

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6771**

**BILL NUMBER:** HB 1148

**NOTE PREPARED:** Dec 24, 2003

**BILL AMENDED:**

**SUBJECT:** Carisoprodol.

**FIRST AUTHOR:** Rep. Crooks

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill adds carisoprodol, a depressant, to the list of schedule IV controlled substances.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** This bill expands the list of schedule IV controlled substances to include carisoprodol, a depressant used for the relief of discomfort associated with acute musculoskeletal conditions. The fiscal impact of this bill would be dependent upon individual circumstances involving abuse of controlled substances.

*Penalty Provisions:* Schedule IV depressants are considered as controlled substances according to IC 35-48-2-9. There are several penalties involved with the illegal selling, possession and use of these substances. More severe penalties exist for extenuating circumstances surrounding the violating activity with a controlled substance, including sale to a minor, sale in, on, or within 1000 feet of school property, a family housing complex, a youth program center, and sale on a school bus. IC 35-48-4-3 lists the penalties for violations.

Offense	Penalty
Manufacture/delivery or finances manufacture/delivery of a Class IV controlled substance (adulterated or pure)	Class C Felony Class B Felony if delivered to a minor or three years junior of person delivering controlled substance, delivered on a school bus, in, on, or within 1000 feet of school property, a public park, a youth program center, or a family housing complex.

*Penalty Provision:* A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class B felony offenders is approximately 3.7 years. The average length of stay for all Class C felony offenders is approximately 2 years.

**Explanation of State Revenues:** *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B or C felony is \$10,000. However, any additional revenues would likely be small.

In addition, persons convicted of a drug-related offense may also be liable for additional fees.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

In addition, persons convicted of a drug-related offense may also be liable for additional fees.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

In addition, if a person is convicted of a drug-related offense, a sentencing court may assess additional fees.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** [www.rxlist.com/cgi/generic/carisop\\_ad.htm](http://www.rxlist.com/cgi/generic/carisop_ad.htm)

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